

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4311 of 2015

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Parashuram Jha Son of late Rajendra Jha resident of Mohalla- Adarsh Chowk, Ward NO. 2, Police Station- Dumra, Post Office- Sitamarhi Head Post Office, District- Sitamarhi(Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The Principal Secretary, Department of Nagar Development and Housing, Government of Bihar Patna.
4. The Joint Secretary, Department of Nagar Development and Housing Government of Bihar, Patna.
5. The Deputy Secretary-Cum-Director, Department of Nagar Development and Housing, Government Bihar , Patna.
6. The Under Secretary, Department of Nagar Development and Housing, Government of Bihar Patna.
7. The Collector, District-Sitamarhi.
8. The Sub-Divisional Officer-cum-Chief Executive Officer, Sadar , District-Sitamarhi.
9. The Executive Officer, Nagar Panchayat Dumra, District - Sitamarhi.
10. The Chairman , Nagar Panchayat Dumara, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Lal Das, Advocate
For the Respondent/s : Mr. Kinkar Kumar, Sc 9
For the Res Nos. 9 &10 : Mr. Purupendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 13-08-2018

Heard learned counsel for the petitioner and the respondent State.

2. It is submitted by the petitioner's counsel that since they have all along been treated at par with the other government servants in the matter of all service benefits, the decision of the Standing Committee to implement the recommendations of the 5th Pay Revision



Committee with effect from October, 2012 is not sustainable.

3. On account of such submission the petitioner has sought quashing of the Resolution dated 26.09.2012 of the Nagar Panchayat, Dumra whereby it has been decided to grant benefits of the revised scale under 5th Pay Revision Committee's recommendation with effect from October, 2012. The date of implementation with effect from October, 2012 has been assailed since the petitioner has retired in January, 2012 and thus under Resolution dated 26.09.2012, the petitioner stands excluded.

4. Counsel for the petitioner submits that since in the matter of grant of all benefits they have all along been treated at par with the other government servants, the benefits arising out of the recommendations of the revised scale made under 5th Pay Revision Committee should also have been implemented with effect from 01.01.1996, i.e., the date on which it was made applicable to the State Government employees.

5. No ground has been made out in the instant writ petition to show that prior to the Resolution dated 26.09.2012, the petitioner was automatically entitled to benefits under the recommendations of the 5th Pay Revision Committee. Prior to the instant writ petition the petitioner has never moved any authority in respect of the said claim even though benefits of 5th Pay Revision Committee



recommendations were extended to State Government employees as far back as in 1996-1997. This Court would observe that fixing the date of implementation with effect from October, 2012 cannot be challenged by the petitioner since he has already retired in January, 2012.

6. The submission of the petitioner that the same should be implemented with effect from 01.01.1996 is also without any basis in as much as prior to the Resolution dated 26.09.2012, the petitioner had not made any claim for the said benefits.

7. The writ petition is misconceived and is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

